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8 Attorneys for Plaintiff
ELECTRONICS FOR IMAGING, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

13 ELECTRONICS FOR IMAGING, INC., a
Delaware corporation,

) Case No. 3:07-CV-5534 CRB
)
) **DECLARATION OF JAMES L.**
) **ETHERIDGE IN SUPPORT OF EFT'S**
) **OPPOSITION TO TESSERON'S MOTION**
) **TO DISMISS OR, IN THE ALTERNATIVE,**
) **TO TRANSFER VENUE**
)
) Date: February 1, 2008
) Time: 10:00 a.m.
) Judge: Hon. Charles R. Breyer
)

16 TESSERON, LTD., an Ohio limited liability
17 company,

18 || Defendant.

1 I, James L. Etheridge, declare as follows:

2 1. I am Vice President of Strategic Relations and General Counsel for Electronics for
3 Imaging, Inc. ("EFI"). I have been an employee of EFI since 1995. I am an attorney at law duly
4 admitted to practice before this Court, as well as the United States Patent and Trademark Office.
5 Unless indicated otherwise, I have personal knowledge of the facts set forth in this Declaration.

6 2. In 2005, Tesseron Ltd. ("Tesseron") sent a letter to EFI, informing EFI that it had recently
7 filed suit against Xerox and GMC for patent infringement in the United States District Court for the
8 Northern District of Ohio. Tesseron also threatened that EFI should negotiate a license because,
9 depending on how the litigation against Xerox and GMC progressed, Tesseron could decide that it
10 would be better served enforcing its rights through litigation.

11 3. On April 6, 2005, I sent a letter requesting that Tesseron send copies of relevant patents,
12 file histories, and any other documents that would show how Tesseron's patents relate to EFI's
13 products. Tesseron never responded.

14 4. On January 19, 2007, I sent another letter to Tesseron requesting information regarding
15 how EFI products related to Tesseron's patents. Again, Tesseron never responded.

16 5. Tesseron sent letters alleging patent infringement to many of EFI's customers including
17 Ricoh Company, Ltd. and Konica Minolta Business Technologies, Inc.

18 6. Ricoh Company, Ltd. and Konica Minolta Business Technologies, Inc. have demanded
19 that EFI indemnify them against Tesseron's claims.

20 7. EFI's world headquarters' and principal place of business is located in Foster City,
21 California.

22 8. EFI employs almost 500 engineers and other highly skilled workers in Foster City.

23 9. All of EFI's variable data printing solutions are developed and supported at EFI's
24 headquarters in Foster City and all of the relevant engineers are in Foster City.

25 10. All of EFI's relevant documentation and witnesses regarding the development, structure,
26 function and operation of its variable data printing products are also located in Foster City. These
27 materials include EFI's source code database, engineering documentation, financial data, intellectual
28 property records, sales documentation, marketing documentation and user documentation.

1 11. Forcing a number of EFI's key technology workers to travel to Ohio would not only be
2 costly, but would negatively impact EFI's business by their absence.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

5 Executed this 11 day of January 2008, at Foster City, CA

Jane L

James L. Etheridge